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OFFICE OF PETITIONS

In re	:
Eldon H. Nyhart, Jr.	:
Application No. 10/039,797	: DECISION REGARDING
Filed: October 26, 2001	: PATENT TERM ADJUSTMENT
Attorney Docket No. 3413-12	:
	:

This decision is in response to the "STATEMENT REGARDING PATENT TERM ADJUSTMENT", filed April 19, 2005, requesting correction of the patent term adjustment (PTA) indicated on the patent.

The request is **DISMISSED**.

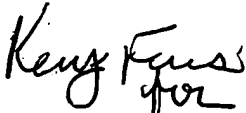
On October 1, 2004, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above identified application. The Notice stated that the patent term adjustment (PTA) to date is six hundred forty-five (645) days. Applicant submitted the instant "STATEMENT REGARDING PATENT TERM ADJUSTMENT" on April 19, 2005. Applicant states that he believes there was an error in the patent term adjustment calculation.

The Office determined a patent term adjustment of six hundred forty-five (645) days based on an adjustment for PTO delay of six hundred forty-five (645) days pursuant to 35 U.S.C. 154(b)(1)(A)(i) and 37 C.F.R. § 1.703(a)(1), reduced by zero (0) days of applicant delay.

A review of the application does not reveal any errors in the calculation of the patent term adjustment. Accordingly, as of the mailing date of the Notice of Allowance, the correct patent term adjustment is six hundred forty-five (645) days.

The application file is being forwarded to the Office of Patent Publication for processing into a patent.

Telephone inquiries specific to this letter should be directed to Cliff Congo, Petitions Attorney, at (571)272-3207.

A handwritten signature in black ink, appearing to read "Karin Ferriter" with a stylized flourish at the end.

Karin Ferriter
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy